

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

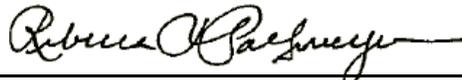
**PROPOSAL TO AMEND
LOCAL RULE 26.2**

On April 25, 2024, the full Court approved a proposal to amend Local Rule 26.2 *Sealed Documents* from the Civil Rules of this Court as attached (additions shown thus, and deletions shown thus):

* * * * *

COMMENT: By direction of the full Court and pursuant to 28 U.S.C. §2071(e) regarding appropriate public notice and opportunity for comment, the Clerk is directed to: (a) cause notice of the proposal to amend Local Rule 26.2 to be published in the *Chicago Daily Law Bulletin*, (b) cause notice of the proposal to amend and requests for comment to be posted on the web site for the United States District Court Northern District of Illinois, (c) cause notice of the proposal to amend to be posted in the Courthouses at Chicago and Rockford, (d) indicate in such notice a final date for receipt of comments, which date shall be sixty days from the first date of publication in the *Law Bulletin*, (e) collect and distribute among the members of the Advisory Committee for Local Rules all comments received, and (f) following receipt of a copy of the report and recommendation of the Advisory Committee, distribute copies of the comments together with copies of the report and recommendation among the members of the Court for consideration at a regular meeting of the full Court.

ENTER:
FOR THE COURT



Hon Rebecca R. Pallmeyer, Chief Judge

Dated at Chicago, Illinois this 26th day April 2024

LR 26.2 Sealed Documents

(a) Definitions. As used in this rule the term: "Sealed document" means a document that the court has directed be maintained under seal electronically or, where the court allows a sealed document to be filed non-electronically, within a sealed enclosure such that access to the document requires breaking the seal of the enclosure; and "Sealing order" means any order restricting access to one or more documents filed or to be filed with the court.

(b) Sealing Order. The court may for good cause shown enter an order directing that one or more documents be filed under seal. No attorney or party may file a document under seal without order of court specifying the document or portion of a document that may be filed under seal, except that a document may provisionally be filed under seal pursuant to subsection (c) below.

(c) Sealing Motion for Documents filed Electronically. Any party wishing to file a document or portion of a document electronically under seal in connection with a motion, brief or other submission must: (1) provisionally file the document electronically under seal; (2) file electronically at the same time a public-record version of the brief, motion or other submission with only the sealed document excluded; and (3) move the court for leave to file the document under seal. The sealing motion must be filed before or simultaneously with the provisional filing of the document under seal and must be noticed for presentment promptly thereafter. Any document filed under seal without such a sealing motion may be stricken by the court without notice.

(d) Sealing Motion for Documents not filed Electronically. Where the court has permitted documents to be filed non-electronically, the party seeking to file a document under seal must, before filing the document, move the court for a sealing order specifying the document or portion of a document to be filed under seal. The final paragraph of the order shall state the following information: (1) the identity of the persons, if any, who are to have access to the documents without further order of court; and (2) instructions for the disposition of the restricted documents following the conclusion of the case. A copy of the sealing order must be included with any document presented for filing under seal. The attorney or party submitting a restricted document must file it in a sealed enclosure that conspicuously states on the face of the enclosure the attorney's or party's name and address, including e-mail address if the attorney is registered as a Filing User of electronic case filing, the caption of the case, and the title of the document.

(e) Copies Served on Counsel and Judge's Paper Courtesy Copy. Any sealed document served on any other party and any judge's paper courtesy copy must be a complete version, without any redactions made to create the public-record version unless otherwise ordered for good cause shown.

(f) Docket Entries. The court may on written motion and for good cause shown enter an order directing that the docket entry for a sealed document show only that a sealed document was filed without any notation indicating its nature. Unless the Court directs otherwise, a sealed document shall be filed pursuant to procedures referenced by [LR 5.8](#).

(g) Inspection of Sealed Documents. The clerk shall maintain a record in a manner provided for by internal operating procedures approved by the Court of persons permitted access to sealed documents that have not been filed electronically. Such procedures may require anyone seeking access to show identification and to sign a statement to the effect that they have been authorized to examine the sealed document.

(h) Disposition of Sealed Non-electronic Documents. When a case is closed in which an order was entered pursuant to section (b) of this rule, the clerk shall maintain the documents filed under seal non-electronically as sealed documents for a period of 63 days following the final disposition including appeals. Except where the court in response to a request of a party made pursuant to this section or on its own motion orders otherwise, at the end of the 63-day period the clerk shall notify the attorney or party who filed the documents that the documents must be retrieved from the clerk's office within 30 days of notification. If the parties do not retrieve the sealed documents within 30 days, the clerk shall destroy the documents.

Amended October 2, 2012 and October 23, 2017

LR 26.2 Sealed Documents

(a) **Definitions.** As used in this rule the term: "Sealed document" means a document that the court has directed be maintained under seal electronically or, where the court allows a sealed document to be filed non-electronically, within a sealed enclosure such that access to the document requires breaking the seal of the enclosure; and "Sealing order" means any order restricting access to one or more documents filed or to be filed with the court.

(b) **Sealing Order.** The court may for good cause shown enter an order directing that one or more documents be filed under seal. No attorney or party may file a document under seal without order of court specifying the document or portion of a document that may be filed under seal, except that a document may provisionally be filed under seal pursuant to subsection (c) below.

(c) **Sealing Motion for Documents filed Electronically** Any party wishing to file a document or portion of a document electronically under seal in connection with a motion, brief or other filing must:

(1) ~~provisionally file the document electronically under seal~~ Electronically file a public-record redacted version of the brief, motion, or other filing, with those portions of the text that the party proposes to be placed under seal redacted in the text of the filing as well as any portions of attached exhibits also redacted. If an attached exhibit (or similar document) is proposed to be fully redacted, a corresponding exhibit sheet marked "Fully Redacted" should be attached to the motion in lieu of including a fully redacted document;

(2) ~~file electronically at the same time a public-record version of the brief, motion or other submission with only the sealed document excluded~~ Provisionally file the non-redacted version of the entire document, including all exhibits, under seal. The document provisionally filed under seal must include the proposed redactions highlighted in a visible color in the text of the document so that the text is readable. If the proposed sealed document is an exhibit or similar document and the party is requesting that the entire document be placed under seal, the exhibit should be marked as "Under Seal" using a full-page watermark notation or highlighting the entire document as described above. If only portions of the attached exhibit or document are proposed to be placed under seal, then those portions of the exhibit or document should be highlighted as described above; and

(3) The party seeking to file a document under seal must file a motion with the court. The sealing motion must be filed before or simultaneously with the provisional filing of the document under seal and must be noticed for presentment promptly thereafter. Any document filed under seal without such a sealing motion may be stricken by the court without notice. Any motion seeking to seal a document or portion of document must articulate the basis for good cause to justify the sealing, and should do that on an item by item basis. ~~Good cause should be explained on a document-by-document basis for exhibits, or entry by entry basis for filings where portions of the filing are sought to be placed under seal. The good cause statement(s) must briefly state the basis for sealing, such as: designated as confidential by producing party; personal identifying information; financial account information; sensitive medical information; confidential business information; etc.~~ A statement generally asserting good cause does not satisfy this standard.

(d) Sealing Motion for Documents not filed Electronically. Where the court has permitted documents to be filed non-electronically, the party seeking to file a document under seal must, before filing the document, move the court for a sealing order specifying the document or portion of a document to be filed under seal. The final paragraph of the order shall state the following information: (1) the identity of the persons, if any, who are to have access to the documents without further order of court; and (2) instructions for the disposition of the restricted documents following the conclusion of the case. A copy of the sealing order must be included with any document presented for filing under seal. The attorney or party submitting a proposed sealed document must file it in a sealed enclosure that conspicuously states on the face of the enclosure the attorney's or party's name and address, including e-mail address if the attorney is registered as a Filing User of electronic case filing, the caption of the case, and the title of the document.

(e) Copies Served on Counsel and Judge's Paper Courtesy Copy. Any sealed document served on any other party and any judge's paper courtesy copy must be a complete version, with any under seal redactions of text entries or exhibits to be identified as described in subsection (c) of this rule unless otherwise ordered by the court.

(f) Docket Entries. The court may on written motion and for good cause shown enter an order directing that the docket entry for a sealed document show only that a sealed document was filed without any notation indicating its nature. Unless the Court directs otherwise, a sealed document shall be filed pursuant to procedures referenced by [LR 5.8](#).

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Amended October 2, 2012, October 23, 2017, and INSERT